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UNDER 37 CFR 1.8(a)**

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21 July 2008
HUESCHEN, AND SAGE

Michael N. C...
Dated: 21 July 2008

SERVIER 503 PCT

Applicant : Patrick CASARA, Anne-Marie CHOLLET, Alain
DHAINAUT, Lionel BERT, Pierre LESTAGE and Brian
LOCKHART

Serial No. : 10/589,831

Filed : August 17, 2006

Title : AZABICYCLIC COMPOUNDS, A PROCESS FOR THEIR
PREPARATION AND PHARMACEUTICAL
COMPOSITIONS CONTAINING THEM

Art Unit : 1626

Examiner : Rei Tsang SHIAO, Esq.

Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313

RESPONSE AND ELECTION UNDER 37 CFR §§ 1.111 AND 1.142

Sir:

Responsive to the Office Action, a Restriction Requirement, dated July 3, 2008, the Applicants acknowledge the Office allegation of distinct inventions. It is the position

of the Office that the application pertains to inventions which are not so linked as to form a general inventive concept.

The applicants **traverse** this conclusion on the grounds that a chemist would not find the instant invention to involve structurally distinct inventions. Absent contradictory evidence that those skilled in the art would find the instant invention to consist of multiple inventions, it is submitted that the Office Requirement is not substantiated.

Nonetheless, in an effort to advance the prosecution of the instant application, and in the absence of a favorable decision on the traversal, the Applicants elect **with traverse** to prosecute the invention of **Group I** (Claims 37-69 (in part)), drawn to compounds/compositions of formula (I) wherein the variables m, n, p, and q represent 1; the variables R₁-R₄ do **not** represent heteroaryl or heterocycloalkyl; the variables R₁-R₄ are **not** substituted by heteroaryl or heterocycloalkyl; and the variables R₁-R₂ and R₂-R₃ do not form heteroaryl or heterocycloalkyl, and their methods of use, of the Restriction Requirement. The Applicants designate the species of Example 22, 4-(3-hexahydrocyclopenta[c]-pyrrol-2(1H)-ylpropoxy)benzamide, as representative of **Group I**.

Absent a favorable decision upon reconsideration of the Restriction Requirement, the Examiner may withdraw the non-elected subject matter, without prejudice to its rejoinder during later examination and/or prosecution in a Divisional Application.

Accordingly, entry of the present Election into the record of this application and favorable action on the merits thereof, are respectfully solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By:


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